

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**COMMODITY FUTURES TRADING )  
COMMISSION, )  
)  
Plaintiff, )  
)  
v. )  
)  
FXTRADE FINANCIAL, LLC, et al., )  
)  
Defendants. )**

**NO. 04-2181 D/A**

ROBERT R. DI TROLO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

05 APR -4 PM 2:20

FILED BY *[Signature]*

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05 APR -4 PM 2  
ROBERT R. DI TROLO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

**ORDER GRANTING MOTION TO COMPEL DISCOVERY  
AGAINST DEFENDANT MARY JO SIBBITT**

Before the Court is Plaintiff's Second Motion to Compel Discovery Against Defendant Mary Jo Sibbitt filed on March 1, 2005. On October 7, 2004 Plaintiff served Defendant Mary Jo Sibbitt ("Sibbitt") with Plaintiff's First Set of Interrogatories and First Set of Requests for Production of Documents. Ms. Sibbitt did not respond to these discovery requests, so Plaintiff filed a Motion to Compel against Ms. Sibbitt on December 7, 2004. On January 4, 2005 the Court entered an Order compelling Ms. Sibbitt to respond to the discovery requests, and Ms. Sibbitt served Plaintiff with discovery responses. Plaintiff argues Ms. Sibbitt's discovery responses are deficient; therefore, Plaintiff filed the instant Motion.

Defendant Sibbitt failed to file a response to the motion as required by Local Rule 7.2(a)(2). "Failure to timely respond to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion." Local Rule 7.2(a)(2). As such, the Motion is **GRANTED**. Defendant Sibbitt is ordered to provide complete responses

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to Plaintiff's First Set of Interrogatories and First Set of Requests for Production of Documents within 15 days of entry of this Order. Defendant Sibbitt is reminded that the failure to comply with the Order of the Court can be grounds for the imposition of sanctions.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date: April 1, 2005



## Notice of Distribution

This notice confirms a copy of the document docketed as number 95 in case 2:04-CV-02181 was distributed by fax, mail, or direct printing on April 4, 2005 to the parties listed.

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